

By: Anchia

H.B. No. 1767

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to wrongful exclusion of handgun license holders from  
3 certain property owned by or leased to a governmental entity and to  
4 certain offenses relating to the carrying of handguns on that  
5 property.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 411.209, Government Code, is amended by  
8 amending Subsections (a), (d), and (f) and adding Subsection (d-1)  
9 to read as follows:

10 (a) Except as provided by Subsection (i), a state agency or  
11 a political subdivision of the state may not take any action,  
12 including an action consisting of the provision of notice by a  
13 communication described by Section 30.06 or 30.07, Penal Code, that  
14 states or implies that a license holder who is carrying a handgun  
15 under the authority of this subchapter is prohibited from entering  
16 or remaining on a premises or other place owned and occupied by the  
17 governmental entity or leased to and occupied by the governmental  
18 entity unless license holders are prohibited from carrying a  
19 handgun on the premises or other place by Section 46.03 or 46.035,  
20 Penal Code, or other law.

21 (d) A resident of this state or a person licensed to carry a  
22 handgun under this subchapter may file a complaint with the  
23 attorney general that a state agency or political subdivision is in  
24 violation of Subsection (a) if the resident or license holder

1 provides the agency or subdivision a written notice that describes  
2 the [~~location and~~] general facts of the violation and the agency or  
3 subdivision does not cure the violation before the end of the third  
4 business day after the date of receiving the written notice. The  
5 written notice provided under this subsection must include a copy  
6 of any document alleged to be in violation or must describe the  
7 specific location of any sign found to be in violation.

8 (d-1) A complaint filed with the attorney general under  
9 Subsection (d) [~~this subsection~~] must include evidence of the  
10 violation and a copy of the written notice provided to the agency or  
11 subdivision.

12 (f) Before a suit may be brought against a state agency or a  
13 political subdivision of the state for a violation of Subsection  
14 (a), the attorney general must investigate the complaint to  
15 determine whether legal action is warranted. If legal action is  
16 warranted, the attorney general must give the chief administrative  
17 officer of the agency or political subdivision charged with the  
18 violation a written notice that:

19 (1) describes the violation and includes the  
20 information described by Subsection (d);

21 (2) states the amount of the proposed penalty for the  
22 violation; and

23 (3) gives the agency or political subdivision 15 days  
24 from receipt of the notice to cure the violation to avoid the  
25 penalty, unless the agency or political subdivision was found  
26 liable by a court for previously violating Subsection (a).

27 SECTION 2. Section 30.06(e), Penal Code, is amended to read

1 as follows:

2 (e) It is an exception to the application of this section  
3 that the property on which the license holder carries a handgun:

4 (1) is owned and occupied [~~or leased~~] by a  
5 governmental entity or leased to and occupied by a governmental  
6 entity; and

7 (2) is not a premises or other place on which the  
8 license holder is prohibited from carrying the handgun under  
9 Section 46.03 or 46.035.

10 SECTION 3. Section 30.07(e), Penal Code, is amended to read  
11 as follows:

12 (e) It is an exception to the application of this section  
13 that the property on which the license holder openly carries the  
14 handgun:

15 (1) is owned and occupied [~~or leased~~] by a  
16 governmental entity or leased to and occupied by a governmental  
17 entity; and

18 (2) is not a premises or other place on which the  
19 license holder is prohibited from carrying the handgun under  
20 Section 46.03 or 46.035.

21 SECTION 4. The change in law made by this Act applies only  
22 to conduct that occurs on or after the effective date of this Act.

23 SECTION 5. This Act takes effect September 1, 2021.